

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
October 11, 2005**

Place: Room 206
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Forman, Conze, Bigelow, Kenny, Spain

STAFF ATTENDING: Ginsberg, Keating

Chairman Damanti read the following agenda item:

Informal discussion regarding development project at 993 Boston Post Road, CBD Zone.

Chairman Damanti made a clear disclaimer that this is an informal presentation this evening and not a public hearing. He said that any statements by the applicant and/or the Planning and Zoning Commission are non-binding.

Attorney Joseph Rucci of Rucci Burnham Carta Carello & Reilly was present representing the proposed tenant, Darien-Rowayton Bank, on the three Hutchison properties at the corner of Day Street and Boston Post Road. He said that a temporary location for the proposed bank will hopefully be in the space now occupied by Haig Jewelers on the adjacent property owned at 993 Boston Post Road by the Dolcettis. That tenancy requires review and approval by the Zoning Board of Appeals. Commission members noted that there are a number of other banks now in the vicinity of this proposed bank.

Mr. Rucci explained that the two existing buildings on the Hutchison properties will be demolished, and replaced with one building of approximately 15,400 square feet. The bank will have 6,916 square feet on the first floor, and 8,500 square feet on the second. It will also have two drive-through lanes behind the building, and access out to Day Street. The proposed curb cut on the Boston Post Road would be in generally the same location as the existing curb cut. Mr. Rucci said that it is not practical to have residential units above the proposed bank. The bank is trying to coordinate the development on the Hutchison parcels with those on the adjacent Dolcetti properties to the north and east.

Attorney Robert Maslan of Maslan Brown Associates and architect Neil Hauck were also present to review the preliminary plan with the Commission. The plan shows two other new buildings on the two adjacent Dolcetti properties. The proposed building adjacent to Dunkin Donuts will have three stories of 8,856 square feet (26,508 total), and the proposed building on Squab Lane will be mixed-use, including a restaurant, and contain approximately 14,000 square feet. The overall project will have 55,000+/- square feet and 73 parking spaces within a shared parking lot. All buildings are shown constructed right up to the front sidewalk. The proposed building depth would be 80 feet, which is consistent with other building lines in the CBD Zone.

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Mr. Conze suggested comparing the square footage of the buildings and the parking with the Grove Street Plaza project on the north side of Grove Street recently completed by Penny Glassmeyer. He noted that pedestrian access should be encouraged, and a re-orientation of the buildings may be needed. Mr. Damanti had concern about the “canyon effect” on Day Street and along the Boston Post Road, created by buildings being right up against the front property line. He suggested that the applicant obtain information regarding surrounding properties, to ensure that this project fits in. He also suggested having the buildings slightly recessed. He noted that the buildings should be scaled down. Ms. Forman also mentioned that the property seems overdeveloped. She said that the Commission is willing to work with the applicant on parking, but this proposal seems to be “too much”. Mr. Ginsberg said that it is likely that the three buildings will have nearly 73 employees, thereby requiring all customers to park off-site. Mr. Ginsberg also noted that Grove Street will become entirely two-way beginning on October 19th. Mr. Rucci said that the proposed shared parking lot would not become a municipal parking lot, but would continue to be owned by Hutchison and the Dolcettis. Mr. Damanti said that it would be helpful to have information on the surrounding parking areas. Mr. Spain said that the buildings, even if trimmed back, require support space, and the parking needs to be functional, practical, and sufficient.

At approximately 8:45 P.M., Chairman Damanti read the following agenda item:

Proposed Modification of Special Permit Application #236, The Melting Pot, 14 Grove Street
Proposed modification in hours of operation, extending Saturday opening from 5 P.M. to 4 P.M.

Commission members then reviewed a letter from the Layfields, the managers of The Melting Pot restaurant at 14 Grove Street. They are requesting a modification of hours to allow them to open at 4 P.M. on Saturdays, rather than at 5 P.M. On a motion by Mr. Kenny, seconded by Mr. Conze, this modification to their existing Special Permit approval was unanimously approved.

Chairman Damanti read the following agenda item:

Discussion, deliberation and possible decision on the following items:

Resubdivision Application #433-A, Coastal Site Plan Review #213, The Frances B. Dorrance Trust, 20 Juniper Road. Proposing to remove the existing tennis court, divide the existing property into two lots and open space, and perform related site development activities within a regulated area. The subject property is on the northeast side of Juniper Road, approximately 1,100 feet east of its intersection with Nearwater Lane, and is shown on Assessor’s Map #57, as Lot #12, in the R-1 Zone.

Mr. Bigelow explained that he has a concern regarding these lots being on public water and sewer. He said that he would prefer to have them tied to the sanitary sewer system rather than the proposed septic systems. He noted that the applicant said during the public hearing that they will be changing the existing building lot to be on an on-site well. That lot is now served by public water. He said that this is a sensitive property which is right on the coast. Mr. Spain said that he believes the proposal is approvable, as it is a modest development of a 10+/- acre property. He noted that the Health Department has given their approval for a septic system on the subject properties. He had no comments on the pathways through the rear of the property. Ms. Forman said that she is willing to

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approve the project with the condition that the applicant be strongly urged to tie into the public water and sanitary sewer system when available. Mr. Bigelow suggested tying both houses to public water and, if in the future sanitary sewer is available, then the applicant should tie both lots into the sewer system. Mr. Damanti said that running the sanitary sewer lines from Nearwater Lane would be a long run.

Mr. Spain asked how the Commission wanted to address Mr. Ferlow's request that a buildable envelope be established for the vacant property. Mr. Damanti said that the applicant would need to return for a Coastal Site Plan Review and a Flood Damage Prevention application. He said that the Planning & Zoning Commission would expressly reserve the right in the future to restrict the location of development on the property. He noted that in his opinion the pedestrian easement/pathways are issues to be revolved between the parties and will remain in place. He said that those easements are outside the purview and jurisdiction of the Planning & Zoning Commission. Mr. Ginsberg was advised to draft the Resolution reflecting the Commission's concerns.

Mr. Damanti then read the next agenda item:

Subdivision Application #164-A, Nancy Hyland, 40 Noroton Avenue. Proposing to subdivide the existing properties into four building lots with associated open space and perform related site development activities. The subject properties are located on the east side of Noroton Avenue approximately 110 feet north of its intersection with Clock Avenue and are shown on Tax Assessor's Map #42 as Lots #151 and #152, in an R-1/3 Zone.

Mr. Bigelow left the room as he is a direct abutter to the subject property. Ms. Forman said that the neighbors during the public hearing process explained that they wanted to have deep screening, and they believed that the landscaping around the subject property was not distributed evenhandedly. She questioned the viability of Lot #2 and said that a three house design is a better design than the proposed four house design.

Mr. Damanti was worried about the proximity of the proposed Eddy Lane to both Clock Lane to the south and Casement Street which is across the street and slightly to the north. He then read aloud Article VII b 11 of the Darien Subdivision Regulations. He noted that there is a need to balance the developer's rights but asked if any other Commission members are willing to waive Article VII with the placement of the proposed street (Eddy Lane) so close to Clock Lane and Casement Street. Mr. Spain said that if the Commission believes that this street would be safer than average, they would have the ability to waive the Regulation. Mr. Conze countered that there are many examples of these types of streets close together throughout Town, especially on Mansfield Avenue. He noted that Royle Road is not directly across the street from Sunset Road but is slightly to the north. Ms. Forman believed that the Commission could cut the activity sufficiently to make traffic on Noroton Avenue safe without having the appropriate distance required in the Darien Subdivision Regulations. Mr. Damanti asked Mr. Ginsberg to pull information from the file regarding the exact street distances from these streets to each other. Mr. Ginsberg will review the file and the information submitted during the public hearing process and have it ready for the Commission's review. Mr. Damanti asked that this item be put on the October 18th meeting agenda for further discussion and deliberation by the Commission.

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Mr. Damanti read the next agenda item at 9:20 p.m. and Mr. Bigelow returned to the room.

Amendment of Business Site Plan #90-K, Pear Partners, LLC., 1077 Boston Post Road.

Proposing to construct five additional parking spaces to the joint parking lot at 1077 Boston Post Road; to install a landscaped pedestrian path; to allow partial encroachment of 13 parking spaces; and to perform related site development activities. The subject property is located on the northwest side of Boston Post Road, approximately 300 feet west of its intersection with Brook Street, and is shown on Assessor's Map #73 as Lots #7 and #42, in the CBD Zone.

Mr. Kenny said that his concern is that when creating parking spaces closer to Clock Hill Homes, that there would need to be screening to ensure that there is no impact to those residential units. A suggestion was made by Mr. Damanti that the details of any proposed fence or landscaping be reviewed by the Planning & Zoning Director. Commission members had no other significant concerns regarding this application. Mr. Damanti asked Mr. Ginsberg to draft the Resolution for the Commission's consideration.

Mr. Damanti read the next agenda item:

Business Site Plan #171-B, Thomas Golden Realty Co., 1063 and 1077 Boston Post Road.

Proposing to raze the existing structures on Lot #8, construct a two-story building with associated parking on that Lot; modify the existing accessway and construct a portion of the parking on the adjacent property at 1077 Boston Post Road; and perform related site development activities. The subject properties are located on the northwest side of Boston Post Road, approximately 210 feet west of its intersection with Brook Street, and are shown on Assessor's Map #73 as Lots #8, and #7 and #42, in the CBD Zone.

Mr. Kenny mentioned that the parking space closest to the building is half a spot because it is only a back-up area. It was suggested that this could be grass pavers as well to distinguish it from other parking spaces on the property. There were no other comments from Commission members, and the Commission unanimously decided to have a Resolution drafted for their review.

Mr. Damanti read the next agenda item:

Subdivision Application #607, Coastal Site Plan Review #209, Thomas L. Kelly, Jr., 58 Sunswyck Road.

Proposing to divide the existing property into two lots and open space and perform related site development activities within a regulated area. The subject property is on the east side of Sunswyck Road, approximately 400 feet south of its intersection with Tory Hole Road, and is shown on Assessor's Map #62, as Lot #22, in the R-1 Zone.

Ms. Forman said that she is willing to waive the driveway requirements because this end of Sunswyck Road is not heavily trafficked. Mr. Spain suggested that the third driveway be sculpted to better meet the Subdivision Regulations. A suggestion was made to lower the garage and/or house in Alternative 5 so the driveway slope could meet, or come closer to meeting the Darien Subdivision Regulations. The Commission noted that the recharged galleries and drainage must be included in the final approved plans. Mr. Ginsberg will draft a Resolution including these items.

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Mr. Damanti read the next agenda item:

Special Permit Application #238-A, Subway Restaurant, 879 Boston Post Road. Proposing to establish a restaurant in the space formerly occupied by Baskin-Robbins ice cream at 879 Boston Post Road, and to perform related site development activities. The subject property is located on the north side of Boston Post Road, approximately 100 feet east of its intersection with West Avenue, and is shown on Assessor's Map #17 as Lot #3, in the CBD Zone.

Commission members noted that the applicant proposes to bake bread in a convection type oven. They noted that any cooking would need to have a similar vent and be appropriately vented to protect the upstairs tenant. Commission members noted that the Ching's Table Chinese restaurant had decided not to move into the space presumably because of this venting requirement. The Commission also noted that while the applicant represented that they may not currently have cooking proposed, any cooking or in the future would require this venting.

At 9:50 p.m., Mr. Damanti then read the next agenda item:

Business Site Plan #242/Special Permit, Robert L. Mazza d/b/a Sugar Bowl, 1033 Boston Post Road. Proposing to establish outdoor dining in front of the existing building (adjacent to Boston Post Road). Subject property is located on the northwest side of Boston Post Road, at the northeast corner formed by its intersection with Brook Street, and is shown on Assessor's Map #73 as Lot #12 in the CBD Zone.

Mr. Spain noted that this is proposed to be outdoor seating and not outdoor service or outdoor dining. He mentioned that this is a similar request to the recently approved Cosi/Upper Crust Bagels outdoor seating at 980 Boston Post Road. Mr. Spain said that the Commission should specifically restrict the size and location of the proposed tables and chairs and that a trash can was required by the Darien Health Department. Mr. Kenny noted that the dimensions of the sidewalk should specifically be included within the resolution, and that the same general conditions of approval be used as was done for 980 Boston Post Road.

Mr. Damanti then read the next agenda item:

Coastal Site Plan Review #198-C, Flood Damage Prevention Application #216-C, Bluff Island, LLC, 23 Butler's Island Road. Proposing to construct replacement retaining walls and replacement steps leading to the water's edge; and to perform related site development activities within regulated areas. The subject property is located on the south side of Butler's Island Road, approximately 600 feet southeast of its intersection with North Road, and is shown on Assessor's Map #67 as Lot #79, in the R-1 Zone.

Mr. Damanti asked Commission members if they had any questions or concerns regarding this application. Commission members had no significant concerns and Mr. Ginsberg was asked to draft a resolution for consideration at an upcoming meeting.

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Land Filling & Regrading Application #146, Laurie Tuck, 29 Tulip Tree Lane. Proposing to add fill, regrade the back yard, and perform related site development activities. The property is located on the southwest side of Tulip Tree Lane approximately 800 feet west of its intersection with Raymond Street, and is shown on Assessor's Map #33 as Lot #57A in the R-1 Zone.

Again, Mr. Damanti asked Commission members if they had any special concerns regarding the subject land filling and regrading application. There were no concerns and Mr. Ginsberg was asked to draft a Resolution for consideration at an upcoming meeting.

Any Other Business (requires two-thirds vote of Commission)

Mr. Kenny said that he had one item under any other business. This is the update of the SWRPA Regional Plan. Commission members then unanimously voted to go into other business and discuss this matter.

Mr. Kenny said that Robert Wilson, the Executive Director of SWRPA, was willing to meet with the Darien Planning & Zoning Commission to discuss the SWRPA draft regional plan. After a brief discussion, Commission members agreed that this would be worthwhile. They asked Mr. Ginsberg to schedule Mr. Wilson for a 7:30 P.M. meeting on October 18, 2005 and allocate approximately one-half hour for his discussion. After that, the Commission plans to have an Executive Session with Town Attorney Jim Murphy which should last approximately an hour.

There being no other business, the Commission meeting was adjourned at 10:30 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

David J. Keating
Assistant Director of Planning & Zoning